

Homeland Security Information Network Advisory Committee (HSINAC)

Bylaws

ARTICLE I AUTHORITY

The Secretary of Homeland Security has established the Homeland Security Information Network Advisory Committee (HSINAC) under the authority of 6 U.S.C., section 451. The committee shall operate in accordance with the provisions of the *Federal Advisory Committee Act* (FACA) (Title 5, United States Code, Appendix).

ARTICLE II PURPOSE

The HSINAC provides advice and recommendations to the Secretary of the Department of Homeland Security (DHS) through the Director of the Information Sharing Environment Office (ISEO) and the Management Directorate's Office of the Chief Information Officer (OCIO) on matters relating to the Homeland Security Information Network (HSIN). These matters include system requirements, operating policies, community organization, knowledge management, interoperability and federation with other systems, and any other aspect of HSIN that supports the operations of DHS and its federal, state, territorial, local, tribal, international, and private sector mission partners.

ARTICLE III MEMBERSHIP AND MEMBER RESPONSIBILITIES

- Section 1. Composition. Because a balance of perspectives is essential to ensure that HSINAC truly represents the broad spectrum of HSIN users, HSINAC membership shall expressly include individuals from federal, state, local, tribal, and territorial governments and the private sector including:
- a. Three members from state, tribal, territorial, or local law enforcement;
 - b. One member from federal law enforcement;
 - c. Two members who are non-federal state Homeland Security Advisors;
 - d. Two members from emergency management;
 - e. Two members from non-federal fire services;
 - f. Two members from non-federal public health or agriculture sectors;
 - g. Three members from private sector industries deemed critical infrastructure or key resources in National Infrastructure Protection Plan;
 - h. One member from the Office of the Adjutant General of the National Guard;
 - i. One member who is a state or local Chief Information Security Officer or holds a cyber-related position within state or local government;
 - j. One member from local, county/parish, or city government;
 - k. One member from tribal government;
 - l. One member from any discipline with relevant expertise and currently serving in state, local, tribal, or territorial homeland security; and

- m. One international member representing international law enforcement and/or security agencies in active partnership with the Department of Homeland Security.

Of the above-described members, two shall serve in, or have direct oversight of, different state or major urban area fusion centers.

The members described on lines A, C, E, F, G, I, J, K, L, and M above shall serve as Special Government Employees as defined in Title 18, United States Code, section 202(a). The members described on lines B and H shall serve as Regular Government Employees. The appropriate membership designation for each member in paragraph D will be determined at the time of appointment by DHS ethics officials.

- Section 2. Appointment. Members of the HSINAC are appointed by and serve at the pleasure of the Secretary upon the recommendation of the DHS, Chief Information Officer (CIO). Appointments are personal to the member and cannot be transferred to another individual. Members may not designate someone to attend in their stead, participate in discussions, or vote.
- Section 3. Terms of Office. The HSINAC shall be composed of not more than 21 members as appointed by the Secretary for terms to be defined by the CIO. Members will be outstanding within their specialty field and will maintain the degree of experience and depth within their fields that will ensure the CIO and DHS leadership is informed of the needs and requirements of the information network users and communities of users. Term length shall generally be 3 years. In the event the committee terminates, all appointments to the committee shall terminate.
- Section 4. Certification of Non-Lobbyist Status. All members of the HSINAC must annually self-certify that they are not registered lobbyists under the Lobbying Disclosure Act, 2 United States Code, section 1603, and must advise the Department of Homeland Security (DHS) if they register as a lobbyist while serving on the HSINAC. Members who register as a lobbyist after their appointment or re-appointment will be replaced on the committee. Members appointed to the HSINAC prior to June 18, 2010, who are registered lobbyists are permitted to serve the remainder of their term of office. Candidates for appointment must self-certify that they are not registered lobbyists under the Lobbying Disclosure Act. The Designated Federal Officer (DFO) will assure that candidates for appointment are not lobbyists registered under the Lobbying Disclosure Act.
- Section 5. Members' Responsibilities. Because the membership of the HSINAC is constructed to balance as many aspects and viewpoints of the industry as possible, member attendance and participation at meetings is vital. Members are expected to personally attend and participate at committee meetings. The CIO shall

recommend to the Secretary that any member who is unable to fulfill their responsibility be replaced on the committee.

Members of the HSINAC may be recommended for removal for reasons such as, but not limited to:

- a. Failure to obtain an appropriate security clearance (if applicable);
- b. Missing two consecutive meetings, or not participating in the committee's work;
- c. Registering as a lobbyist after appointment;
- d. Engaging in activities that are illegal or violate the restrictions on members' activities as outlined below.

Section 6. Restriction on Members' Activities.

- a. Members may not use their access to the Federal Government as a member of this committee for the purpose of soliciting business or otherwise seeking economic advantage for themselves or their companies. Members may not use any non-public information obtained in the course of their duties as a member for personal gain or for that of their company or employer. Members must hold any non-public information in confidence.
- b. The committee as a whole may advise the agency on legislation or recommend legislative action. In their capacities as members of the HSINAC individual members may not petition or lobby Congress for or against particular legislation or encourage others to do so.
- c. Members of the HSINAC are advisors to the agency and have no authority to speak for the committee, the Office of the Chief Information Officer (OCIO) or for the Department outside the committee structure.
- d. Members may not testify before Congress in their capacity as a member of the HSINAC.
- e. If requested to testify before Congress, members of the HSINAC:
 1. Cannot represent or speak for the committee, DHS, any agency, or the Administration in their testimony;
 2. Cannot provide information or comment on committee recommendations that are not yet publicly available;
 3. May state they are a member of the committee; and,
 4. May speak to their personal observations as to their service on the committee.
 5. If speaking outside the committee structure at other forums or meetings, the restrictions in section d. also apply.

ARTICLE IV OFFICIALS

Section 1. Chairperson and Vice Chairperson. The Chair and Vice Chair of the Committee shall be chosen by a majority of the committee members. The Vice Chair will act as Chair in the absence or incapacity of the Chair or in the event of a vacancy in

the office of the Chair. The term of office of the Chair and Vice Chair will be one year, and the Chair and Vice Chair may serve more than one term. The responsibilities of the chairperson and vice chairperson will work with the DFO to develop agenda, establish priorities, conduct meetings, and certify the accuracy of minutes.

Section 2. Designated Federal Officer: The Designated Federal Officer (DFO) serves as the Department's agent for all matters related to the HSINAC and is appointed by the HSIN Program Manager. In accordance with the provisions of the FACA, the DFO must:

- a. Approve or call meetings of the committee and its subcommittees;
- b. Approve agendas for committee and subcommittee meetings;
- c. Attend all meetings;
- d. Adjourn meetings when such adjournment is in the public interest; and,
- e. Chair meetings of the committee when directed to do so by the CIO.

In addition, the DFO is responsible for assuring administrative support functions are performed, including the following:

- a. Notifying members of the time and place of each meeting;
- b. Tracking all recommendations of the committee;
- c. Maintaining the record of members' attendance;
- d. Preparing the minutes of all meetings of the Board's deliberations, including subcommittee and working group activities;
- e. Attending to official correspondence;
- f. Maintaining official records and filing all papers and submissions prepared for or by the committee, including those items generated by subcommittees and working groups;
- g. Reviewing and updating information on committee activities in the Shared Management System (aka, FACA database) on a monthly basis;
- h. Acting as the Board's agent to collect, validate and pay all vouchers for pre-approved expenditures; and
- i. Preparing and handling all reports, including the annual report as required by FACA.

ARTICLE V MEETING PROCEDURES

Section 1. Meeting Schedule and Call of Meetings. The HSINAC plans to meet three times per year of which two meetings will be held virtually and one will be an in-person meeting in the Washington, DC area. The DFO will attend all committee, subcommittee, task force, and work group meetings. The DFO calls or approves the call of committee, subcommittee, task force, and work group meetings.

Section 2. Agenda. The DFO will approve the agenda for all meetings in consultation with the HSINAC Chair and Vice Chair. The DFO will distribute the agenda to the members prior to each meeting and will publish an outline of the agenda with the

meeting notice in the Federal Register. Items for the agenda may be submitted to the DFO and/or the Chairman by any member of the HSINAC. Items may also be suggested by non-members, including members of the public.

- Section 3. Quorum. The quorum for the HSINAC is the presence of fifty percent plus one of the appointed committee members. A quorum of the committee is required to vote on issues being addressed.
- Section 4. Voting Procedures. When a decision or recommendation of the HSINAC is required, the Chair will request a motion for a vote. Any member, including the Chair, may make a motion for a vote. A second after proper motion will be required to bring any issue to a vote.
- Section 5. Minutes. The DFO will prepare minutes of each meeting and will distribute copies to each HSINAC member. Minutes of meetings will be available to the public via the HSINAC public website (<https://www.dhs.gov/hsin-advisory-committee>) within 90 days of the meeting. The minutes will include a record of the persons present (including the names of HSINAC members, names of staff, and the names of members of the public from whom written or oral presentations were made) and a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the HSINAC.

All documents, reports, or other materials prepared by, or for, the HSINAC constitute official government records and must be maintained according to DHS policies and procedures.

The minutes will include a record of:

- a. The time, date, and place of the meeting;
- b. A list of all attendees including members, staff and the public;
- c. An accurate description of each matter discussed and the resolution, if any, made by the committee;
- d. Copies of reports or other documents received, issued, or approved by the committee; and
- e. An accurate description of public participation, including oral and written statements provided.

The DFO assures that the Chair certifies the minutes within 90 calendar days of the meeting to which they relate.

- Section 6. Open Meetings. Unless otherwise determined in advance, all meetings of the HSINAC will be open to the public. Once an open meeting has begun, it will not be closed for any reason. All materials brought before, or presented to, the committee during the conduct of an open meeting, including the minutes of the proceedings of an open meeting, will be available to the public for review or copying at the time of the scheduled meeting.

Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may offer oral comment at such meeting during the designated public comment period. Members of the public may submit written statements to the HSINAC at any time.

Section 7. Closed Meetings. All or parts of meetings of the HSINAC may be closed in limited circumstances and in accordance with *The Government in the Sunshine Act* and certification by the DHS General Counsel (per 5 USC 552b(f)(1)) and CMO (per DHS policy) in addition to the Component Head's written determination to close a meeting, partially or wholly.

Where the DFO has determined in advance that discussions during a committee meeting will involve matters about which public disclosure would be harmful to the interests of the government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the *Government in the Sunshine Act*, will be published in the Federal Register. The notice may announce the closing of all or just part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the DFO or Chair will order such discussion to cease and will schedule it for a future meeting of the committee that will be approved for closure. No meeting or portion of a meeting may be closed without prior approval and notice published in the Federal Register at least 15 calendar days in advance. Closed meetings can only be attended by DFO, committee members, and necessary agency staff members. Presenters must leave immediately after giving their presentations and answering any questions.

ARTICLE VI EXPENSES AND REIMBURSEMENTS

The Homeland Security Information Network (HSIN) Program Office is responsible for support of the committee and as such all expenditures for committee activities must be approved in advance by the DFO. Committee members will be reimbursed for travel and per diem.

ARTICLE VII ADMINISTRATION

The Homeland Security Information Network (HSIN) Program Office is responsible for all clerical support of the HSINAC and is available for provide support, at any time to the committee and its members. The DHS Committee Management Office (CMO) is responsible for oversight of DHS advisory committees. The CMO will provide advice as needed to the HSINAC.

ARTICLE VIII SUBCOMMITTEES

The DFO may approve the establishment of subcommittees for any purpose consistent with the HSINAC charter. Such subcommittees may not work independently of the chartered committee and must report their recommendations and advice to HSINAC for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of HSINAC and may not report directly to the Federal Government or any other entity.

ARTICLE IX RECORDKEEPING

The records of the HSINAC, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying in accordance with the *Freedom of Information Act* (Title 5, United States Code, section 552).

ARTICLE X RECOMMENDATIONS AND REPORTING

Approved reports and/or recommendations will be presented to the HSIN Program Management Office (PMO) prior to their submission to the Secretary. The HSIN PMO will track the implementation (or not) of recommendations within the HSINAC Community site on HSIN.

ARTICLE XI BYLAWS APPROVAL AND AMENDMENTS

The DFO may amend these bylaws at any time, and the amendments shall become effective immediately upon approval.

4/5/2016

X Michael H. Brody

Michael H. Brody
Director, PAG
Signed by: MICHAEL H BRODY

Michael Brody
Designated Federal Officer

Date approved: 03/29/2016